

United States District Court
District of Massachusetts

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CLERKS OFFICE
2005 FEB -9 10 31 AM
No.

Edward Fielding
Plaintiff

v.

Massachusetts Judiciary
Respondent

U.S. DISTRICT COURT
DISTRICT OF MASS.
04-11801-DPW

Motion to the Reopening the Time to File an Appeal

Now comes the Plaintiff, Edward Fielding, Pro se, duly seeks this court's authority pursuant to Federal Rule of Appellate Procedure, Rule 4 (a)(6), to the Reopening the time to file an Notice of Appeal, of this court's order of dismissal, and denial of a Motion to Alter or Amend Judgment.

Plaintiff did not receive any written Memorandum or Order denying the Motion by the court nor did he receive any Electronic Order until a status update request, (exhibit 1) was answered, (exhibit 2), which Plaintiff did not comprehend therefore, forwarded a second status update, (exhibit 3), wherefore, the court provided Plaintiff with a copy of the docket, (exhibit 4), received on February 2, 2005, hence, this Motion.

As such, Plaintiff notes, all the requirements of F.R.App.P. Rule 4 (a)(6) to obtain relief to file an appeal apply in this circumstance. 1) No other party will be prejudiced. 2) Plaintiff did not receive a written memorandum and order of denial of his Motion to Alter or Amend Judgment or had any access to obtain an Electronic Order,

nor comprehended the Electronic Order as a denial of said Motion when received upon request of a status update. 3) The Notice of Appeal and this Motion to the Reopening the Time to File an Appeal, are within the seven days upon receipt of this court forwarding the Docket Entries upon Plaintiff's second request for a status update on February 2, 2005.

Wherefore, the Plaintiff prays that this Court grant this Motion to Reopening the Time to File an Appeal.

Respectfully submitted by
the Plaintiff

Edward Fielding
Edward Fielding, Pro se
Bay State Correctional Center
28 Clark St. P.O. Box 73
Norfolk, MA. 02056-0073

Dated: February 8, 2005